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HOUSE BILL 1622

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State of Washington                      60th Legislature                      2007 Regular Session

By Representatives Moeller and Jarrett

Read first time 01/24/2007. Referred to Committee on Local Government.

1            AN ACT Relating to the authority of boundary review boards; and  
2 amending RCW 36.93.150.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4            **Sec. 1.** RCW 36.93.150 and 1994 c 216 s 15 are each amended to read  
5 as follows:

6            The board, upon review of any proposed action, shall take such of  
7 the following actions as it deems necessary to best carry out the  
8 intent of this chapter:

9            (1) Approve the proposal as submitted.

10           (2) Subject to RCW 35.02.170, modify the proposal by adjusting  
11 boundaries to add or delete territory. ~~((However, any proposal for  
12 annexation of territory to a town shall be subject to RCW 35.21.010 and  
13 the board shall not add additional territory, the amount of which is  
14 greater than that included in the original proposal.))~~ The boundary  
15 review board has the authority to add or delete territory and adjust  
16 the boundary of a proposed annexation to include all or any land  
17 located within an unincorporated urban growth area as supported by the  
18 principles in RCW 36.93.157, 36.93.170, and 36.93.180. Any  
19 modifications shall not interfere with the authority of a city, town,

1 or special purpose district to require or not require preannexation  
2 agreements, covenants, or petitions. A board shall not modify the  
3 proposed incorporation of a city with an estimated population of seven  
4 thousand five hundred or more by removing territory from the proposal,  
5 or adding territory to the proposal, that constitutes ten percent or  
6 more of the total area included within the proposal before the board.  
7 However, a board shall remove territory in the proposed incorporation  
8 that is located outside of an urban growth area or is annexed by a city  
9 or town, and may remove territory in the proposed incorporation if a  
10 petition or resolution proposing the annexation is filed or adopted  
11 that has priority over the proposed incorporation, before the area is  
12 established that is subject to this ten percent restriction on removing  
13 or adding territory. A board shall not modify the proposed  
14 incorporation of a city with a population of seven thousand five  
15 hundred or more to reduce the territory in such a manner as to reduce  
16 the population below seven thousand five hundred.

17 (3) Determine a division of assets and liabilities between two or  
18 more governmental units where relevant.

19 (4) Determine whether, or the extent to which, functions of a  
20 special purpose district are to be assumed by an incorporated city or  
21 town, metropolitan municipal corporation, or another existing special  
22 purpose district.

23 (5) Disapprove the proposal except that the board shall not have  
24 jurisdiction: (a) To disapprove the dissolution or disincorporation of  
25 a special purpose district which is not providing services but shall  
26 have jurisdiction over the determination of a division of the assets  
27 and liabilities of a dissolved or disincorporated special purpose  
28 district; (b) over the division of assets and liabilities of a special  
29 purpose district that is dissolved or disincorporated pursuant to  
30 chapter 36.96 RCW; nor (c) to disapprove the incorporation of a city  
31 with an estimated population of seven thousand five hundred or more,  
32 but the board may recommend against the proposed incorporation of a  
33 city with such an estimated population.

34 Unless the board disapproves a proposal, it shall be presented  
35 under the appropriate statute for approval of a public body and, if  
36 required, a vote of the people. A proposal that has been modified  
37 shall be presented under the appropriate statute for approval of a  
38 public body and if required, a vote of the people. If a proposal,

1 other than that for a city, town, or special purpose district  
2 annexation, after modification does not contain enough signatures of  
3 persons within the modified area, as are required by law, then the  
4 initiating party, parties or governmental unit has thirty days after  
5 the modification decision to secure enough signatures to satisfy the  
6 legal requirement. If the signatures cannot be secured then the  
7 proposal may be submitted to a vote of the people, as required by law.

8 The addition or deletion of property by the board shall not  
9 invalidate a petition which had previously satisfied the sufficiency of  
10 signature provisions of RCW 35.13.130 or 35A.14.120. When the board,  
11 after due proceedings held, disapproves a proposed action, such  
12 proposed action shall be unavailable, the proposing agency shall be  
13 without power to initiate the same or substantially the same as  
14 determined by the board, and any succeeding acts intended to or tending  
15 to effectuate that action shall be void, but such action may be  
16 reinitiated after a period of twelve months from date of disapproval  
17 and shall again be subject to the same consideration.

18 The board shall not modify or deny a proposed action unless there  
19 is evidence on the record to support a conclusion that the action is  
20 inconsistent with one or more of the objectives under RCW 36.93.180.  
21 Every such determination to modify or deny a proposed action shall be  
22 made in writing pursuant to a motion, and shall be supported by  
23 appropriate written findings and conclusions, based on the record.

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